

## REMARKS

Claims 1-48 remain pending in this application. Claims 1 and 18 have been amended.

In view of the above amendment and the following remarks, Applicants request reconsideration of this application.

### Response to Claim Rejections Under 35 U.S.C. § 101

Claims 18-34 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully request reconsideration and withdrawal of this rejection.

In support of the Examiner's continued rejection of claims 18-34, the Examiner argues that those claims "fail to include a recitation of technology in either the preamble or body of the claims" such that the claimed method "can be performed manually." Applicant respectfully submits that the Examiner has failed to support this argument with any controlling precedent. The Examiner's argument appears to be based solely on Ex Parte Bowman, 61 USPQ2d 1669 (Board of Pat. App. & Int. 2001), which Applicants submit is contrary to the controlling case law, including AT&T Corp. v. Excel Communications, 172 F.3d 1352 (Fed. Cir. 1999) and State Street Bank & Trust Co. v. Signature Fin. Group, Inc., 149 F.3d 1368 (Fed. Cir. 1998). Neither of these Federal Circuit cases supports the limitation that the Examiner reads into 35 U.S.C. § 101, i.e. that a claimed method is unpatentable if it "can be performed manually." To the contrary, State Street Bank expressly cautions that it is improper to read into § 101 limitations and conditions on patentable subject matter that Congress has not expressed. 149 F.3d at 1373. The majority opinion in Ex Parte Bowman does not even address the AT&T Corp. and State Street Bank cases, but instead simply ignores them. For these reasons and the reasons set forth in Applicants' previous responses, Applicants respectfully disagree with the Examiner's reasoning and submit that the Examiner has failed to present any adequate ground for the rejection under 35 U.S.C. § 101.

Without prejudice to their position, however, and to expedite allowance of the claims, Applicants have amended the body of claim 18 to recite that the reservation summary is displayed "on a screen in communication with a computer." Applicants submit, therefore, that

amended claim 18 includes “a recitation of technology” as contemplated by the Examiner. Because claims 19-34 depend from and include all of the limitation of claim 18, Applicants also submit that each of these claims includes such a recitation of technology. Applicants respectfully request, therefore, that the Examiner withdraw the rejection of claims 18-34 under 35 U.S.C. § 101.

Response to Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-7, 9-13, 15, 17-24, 26-30, 32, 34-37, 40-44, 46, and 48 stand rejected under 35 U.S.C. § 102 as being anticipated by Brandt, et al. (hereinafter “Brandt”). Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim 1 is directed to a method of rental equipment management for a plurality of rental locations. The method includes displaying a reservation summary having reservation information pertaining to the type of equipment reserved and the date of reservation, and tracking the equipment inventory information for each rental location. Claim 1 has been amended to further recite that the reservation summary has information pertaining to the type of equipment reserved and the date of reservation “for a plurality of customer reservations.”

Brandt does not teach a method having the elements of amended claim 1. Brandt describes a web browser input form for a customer to submit a *single* reservation request and the process by which the customer’s single reservation request is submitted to an activity program to be stored in a system. Brandt further describes displaying to the customer a reservation confirmation screen after the customer has submitted the single reservation request. Brandt, however, does not teach or suggest displaying a reservation summary having reservation information for a plurality of customer reservations, as recited in amended claim 1. Applicants respectfully submit, therefore, that claim 1 is patentable over Brandt.

Amended claim 18 also recites a displaying a reservation summary having reservation information pertaining to the type of equipment reserved and the date of reservation for a plurality of customer reservations. For the reasons discussed with respect to claim 1, therefore, Applicants also submit that claim 18 is patentable over Brandt.

Each of claims 2-7, 9-13, 15, 17, 19-24, 26-30, 32 and 34 depends from and includes all of the limitations of claim 1 or claim 18. For the reasons discussed above, therefore, Applicants also submit that claims 2-7, 9-13, 15, 17, 19-24, 26-30, 32 and 34 also are patentable over Brandt.

Moreover, claims 2-7, 9-13, 15, 17, 19-24, 26-30, 32 and 34 also recite elements in addition to those of claim 1. Applicants respectfully submit that the Examiner has not specifically pointed out how Brandt teaches many of these additional elements. Applicant respectfully submits, for example, that the Examiner has not specifically pointed out where Brandt teaches: customizing the scope of the reservation summary to display information pertaining to one of a particular rental location, city, route and dealer (claims 2 and 19); customizing the scope of the reservation summary to display information pertaining to a particular type of reservation (claims 3 and 20) wherein the type of reservation is selected from one of confirmed, tentative and canceled reservations (claims 4 and 21); and customizing the scope of the reservation summary to display information pertaining to a particular route selection (claims 5 and 22) wherein in the route selection is selected from one of one-way rental and in-town rental (claims 6 and 23). Moreover, the Examiner has not specifically pointed out where Brandt teaches: updating the reservation information and the equipment information regularly (claims 7 and 24); equipment inventory information comprising the types of equipment available, the number of equipment designated for one-way use, the number of equipment designated for rotational use, and total equipment available (claims 9 and 26); searching the equipment inventory information to find a dispatching rental location having a particular piece of equipment (claims 10 and 27); dispatching the particular piece of equipment from the dispatching rental location to a receiving rental location, wherein the equipment inventory information is updated to reflect the dispatch of the equipment from the dispatching rental location to the receiving rental location (claims 11 and 28) and wherein the receiving rental location receives the particular piece of equipment and the equipment inventory information is updated to reflect the receipt of the equipment at the receiving rental location (claims 12 and 29); displaying payment information (claims 14 and 31); displaying notes that reflect the history of transacting with a customer

(claims 15 and 32); verifying the compatibility of a requested towing combination, wherein the information pertaining to the towing vehicle and information pertaining to the towed vehicle are evaluated, and a determination is made as to the safety of the towing combination (claims 16 and 33); or generating a script for confirmation of reservation, wherein the script comprises information pertaining to a particular reservation (claims 17 and 34). Applicants submit, therefore, that claims 2-7, 9-13, 15, 17, 19-24, 26-30, 32 and 34 also are patentable over Brandt based on their recitation of these additional elements.

Claim 35 recites a system that includes a reservation information field having information pertaining to the type of equipment reserved and the date of reservation, and an equipment inventory field having information pertaining to the type of equipment and number of equipment available at each of the plurality of locations. Brandt does not teach all of the elements of claim 35. For example, Brandt does not teach or suggest the use of an equipment inventory field having information pertaining to the type of equipment and number of equipment available at each of the plurality of locations, as recited in claim 35. Applicants respectfully submit, therefore, that claim 35 is patentable over Brandt.

Each of claims 36-37, 40-44, 46 and 48 depends from and includes all of the limitations of claim 35. For the reasons discussed above, therefore, Applicants also submit that claims 36-37, 40-44, 46 and 48 also are patentable over Brandt.

Moreover, claims 36-37, 40-44, 46 and 48 also recite elements in addition to those of claim 35. Applicants respectfully submit that the Examiner has not specifically pointed out how Brandt teaches these additional elements. For example, the Examiner has not specifically pointed out where Brandt teaches: a scope selector having at least one scope criteria, wherein upon the selection of one of the at least one scope criteria, the reservation field provides information pertaining to the selected scope criteria (claim 36) and wherein the at least one scope criteria is selected from one of a particular rental location, city, route and dealer (claim 37); an equipment inventory field that is searchable (claim 40); a search field that includes a search request window and that, upon activation of a search in the search field, returns information pertaining to the search request (claim 41) and wherein the search request includes a request for a

location having a particular piece of equipment, and the search result includes an identification of the location having the particular equipment (claim 42); an equipment dispatch field, the equipment dispatch field indicating the transfer of equipment from a dispatching location to a receiving location (claim 43); a customer information field having identifying information for a customer (claim 44); a notes field having information pertaining to the history of a transaction with the customer (claim 46); or a script page that incorporates information pertaining to a particular reservation (claim 48). Applicants submit, therefore, that claims 36-37, 40-44, 46 and 48 also are patentable over Brandt based on their recitation of these elements.

Response to Claim Rejections Under 35 U.S.C. § 103(a)

Claims 6, 9, 23, and 26 stand rejected claims under 35 U.S.C. § 103(a) as being unpatentable over Brandt in view of an Internet publication to Ryder. Applicants respectfully request reconsideration and withdrawal of this rejection.

For the reasons discussed in Applicants' previous response, Applicants respectfully submit that it is improper to combine Brandt and the Ryder publication. The Ryder publication does not address reservation or equipment tracking and does not disclose a reservation summary. The Examiner argues that the motivation to combine Brandt with the Ryder publication is drawn from the knowledge generally available to one of ordinary skill in the art and that it would have been obvious to such a person to modify Brandt to display one-way or in-town route information because it is important for vehicle tracking to determine if a rental truck will be returned to the original vendor or a different vendor. In reaching this conclusion, the Examiner relies on *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1998), and on *In re Jones*, 958 F.2d 347 (Fed. Cir. 1992). Both of those cases, however, concluded that the Office improperly combined references using hindsight. Here, the Ryder publication merely references one-way rentals. It does not suggest in any way the importance of tracking such rentals or displaying a summary of reservations for such rentals. Applicants respectfully submit, therefore that the conclusion to combine the references is based on improper hindsight of Applicants' disclosure.

Even if it were proper to combine Brandt and the Ryder publication, Applicants respectfully submit that that combination does render claims 6, 9, 23, and 26 unpatentable. Each

of these claims depends from and includes all of the limitations of amended claim 1 or amended claim 18. As discussed above, Brandt does not teach the elements of amended claims 1 and 18. Likewise, Ryder does not teach or suggest these elements. For example, the Ryder publication does not teach or suggest displaying a reservation summary having reservation information for a plurality of customer reservations. Thus, the combination of Brandt and the Ryder publication does not teach or suggest the elements of claims 6, 9, 23, and 26.

Applicants respectfully submit, therefore, that claims 6, 9, 23, and 26 are patentable over Brandt in view of the Ryder publication.

Claims 8, 25, 38 and 39 stand rejected claims under 35 U.S.C. § 103(a) as being unpatentable over Brandt in view of Craig. Applicants respectfully request reconsideration and withdrawal of this rejection.

For the reasons discussed in Applicants' previous response, Applicants respectfully submit that it is improper to combine Brandt and Craig, et al. (hereinafter "Craig"). Craig does not address reservation information or equipment tracking and does not disclose a reservation summary or fields for reservation information or equipment tracking.

Even if it were proper to combine Brandt and Craig, Applicants respectfully submit that that combination does not teach all of the elements of claims 8, 25, 38 and 39. Claim 8 depends from and includes all of the limitations of amended claim 1. Claim 25 depends from and includes all of the limitations of amended claim 18. As discussed above, Brandt does not teach the elements of amended claims 1 and 18. Likewise, Craig does not teach or suggest these elements. For example, Craig does not teach or suggest displaying a reservation summary having reservation information for a plurality of customer reservations. Claims 38 and 39 depend from and include all of the limitations of claim 35. As discussed above, Brandt does not teach the elements of claim 35. Likewise, Craig does not teach or suggest these elements. For example, Craig does not teach or suggest the use of an equipment inventory field having information pertaining to the type of equipment and number of equipment available at each of the plurality of locations. Thus, the combination of Brandt and Craig does not teach or suggest the elements of claims 8, 25, 38 and 39.

Applicants respectfully submit, therefore, that claims 8, 25, 38 and 39 are patentable over Brandt in view of Craig.

Claims 14, 31 and 45 stand rejected claims under 35 U.S.C. § 103(a) as being unpatentable over Brandt in view of Sehr. Applicants respectfully request reconsideration and withdrawal of this rejection.

For the reasons discussed in Applicants' previous response, Applicants respectfully submit that it is improper to combine Brandt and Sehr. Sehr does not address reservation information or equipment tracking and does not disclose a reservation summary or fields for reservation information or equipment tracking.

Even if it were proper to combine Brandt and Sehr, Applicants respectfully submit that that combination does render claims 14, 31 and 45 unpatentable. Claim 15 depends from and includes all of the limitations of amended claim 1. Claim 31 depends from and includes all of the limitations of amended claim 18. As discussed above, Brandt does not teach the elements of amended claims 1 and 18. Likewise, Sehr does not teach or suggest these elements. For example, Sehr does not teach or suggest displaying a reservation summary having reservation information for a plurality of customer reservations. Claim 45 depends from and includes all of the limitations of claim 35. As discussed above, Brandt does not teach the elements of claim 35. Likewise, Sehr does not teach or suggest these elements. For example, Sehr does not teach or suggest the use of an equipment inventory field having information pertaining to the type of equipment and number of equipment available at each of the plurality of locations. Thus, the combination of Brandt and Sehr does not teach or suggest the elements of claims 14, 31 and 45.

Applicants respectfully submit, therefore, that claims 14, 31 and 45 are patentable over Brandt in view of Sehr.

Claims 16, 33 and 47 stand rejected claims under 35 U.S.C. § 103(a) as being unpatentable over Brandt in view of Jaun. Applicants respectfully request reconsideration and withdrawal of this rejection.

For the reasons discussed in Applicants' previous response, Applicants respectfully submit that it is improper to combine Brandt and Jaun. Jaun does not address reservation

information or equipment tracking and does not disclose a reservation summary or fields for reservation information or equipment tracking.

Even if it were proper to combine Brandt and Jaun, Applicants respectfully submit that that combination does render claims 16, 33 and 47 unpatentable. Claim 16 depends from and includes all of the limitations of amended claim 1. Claim 33 depends from and includes all of the limitations of amended claim 18. As discussed above, Brandt does not teach the elements of amended claims 1 and 18. Likewise, Jaun does not teach or suggest these elements. For example, Jaun does not teach or suggest displaying a reservation summary having reservation information for a plurality of customer reservations. Claim 47 depends from and includes all of the limitations of claim 35. As discussed above, Brandt does not teach the elements of claim 35. Likewise, Jaun does not teach or suggest these elements. For example, Jaun does not teach or suggest the use of an equipment inventory field having information pertaining to the type of equipment and number of equipment available at each of the plurality of locations. Thus, the combination of Brandt and Jaun does not teach or suggest the elements of claims 16, 33 and 47.

Applicants respectfully submit, therefore, that claims 16, 33 and 47 also are patentable over Brandt in view of Jaun.

#### Conclusion

For the foregoing reasons, Applicants submit that the claims 1-48 are in allowable form. Applicant therefore requests reconsideration and allowance of these claims.

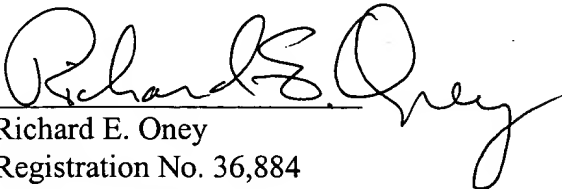


Response and Amendment  
US Patent Application No. 09/826,083

The Examiner is invited to telephone the Applicant's undersigned attorney at (602) 255-6094 if this would in any way facilitate prosecution of the application.

Dated: March 28, 2005

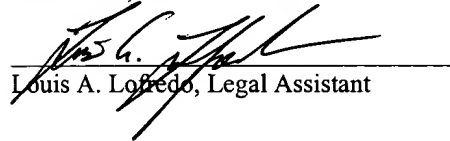
Respectfully submitted,



Richard E. Oney  
Registration No. 36,884  
Tiffany & Bosco, P.A.  
2525 E. Camelback Road, Third Floor  
Phoenix, Arizona 85016  
Tel: (602) 255-6094

Express Mail Label No. **ED 537836869 US** Date of Deposit March 28, 2005

I hereby certify that this paper and all documents and any fee referred to herein are being deposited on the date indicated above with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, postage prepaid and addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Louis A. Loffredo, Legal Assistant

3-28-05  
Date of Signature